

**MINUTES OF THE MAY 17, 2007  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Absent:**

Glenn B. Wolfe, Councilman

***Call to Order***

Mayor Tarr called the meeting to order at 7:38 p.m.

***Invocation***

Councilman Howard offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Open Forum/Public Participation.***

No one from the Public spoke.

***Agenda Additions/Deletions and Adoption***

It was requested to amend the agenda by adding an item as 10a. Temporary Parking at the Town Park in front of the High School. Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the agenda as amended. The motion was unanimously approved.

***1. Approval of amending the Minutes of the April 19, 2007 Council Meetings.***

Councilman Howard asked the Town Manager to explain the amended version of the minutes. The Town manager explained that the prior minutes did not have the corrected version that was approved by the Ordinance Committee and the Council on agenda item 2, Chapter 62, Article II, Division 2, Rates. Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the minutes as amended. The motion was unanimously approved.

***2. Resolution – Hurricane Awareness Week.***

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the following resolution declaring Hurricane Awareness Week. The motion was unanimously approved.

WHEREAS, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 20-26, 2007 has been designated "Hurricane Awareness Week"; and

WHEREAS, with the Town of Chincoteague being an Island, is vulnerable to the devastating effects a hurricane or tropical storm can cause. With the average land elevation of 3.5 feet above mean high tide the Town of Chincoteague could face loss of life and property if such a disaster occurs; and

WHEREAS, both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices. Such preventative action could save lives; and

WHEREAS, the Town of Chincoteague Emergency Management, the National Weather Service, the Commonwealth of Virginia, and FEMA strongly suggest that all residents and visitors to the Town of Chincoteague be aware of the high winds, flooding and severe weather that may occur in conjunction with a tropical storm or hurricane.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 20-26, 2007, as "Hurricane Awareness Week" in the Town of Chincoteague.

### ***3. Resolution, Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant.***

Public Works Director Cosby explained that the resolution will be to participate in the development of a regional water supply plan and authorize the Accomack-Northampton Planning District Commission to manage and develop the plan. It also authorizes the A-NPDC to develop an application for planning grant funds to offset the cost of developing the plan. The Town will commit up to \$500 in cash or in-kind matching funds to the project.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the following resolution, regarding regional water supply planning and application for a FY '08 Water Supply Planning Grant. The motion was unanimously approved.

WHEREAS, the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

WHEREAS, based upon these regulations, the Town of Chincoteague is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:

- November 2, 2008 for local governments with populations in excess of 35,000
- November 2, 2009 for local governments with populations between 15,001 and 35,000
- November 2, 2010 for local governments with populations 15,000 or less

WHEREAS, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

WHEREAS, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780=120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

WHEREAS, it is reasonable and prudent for local governments to coordinate and collaborate in the development of a regional water supply plan; and

WHEREAS the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

WHEREAS, for purposes of this DEQ water supply grant fund program, the Town of Chincoteague will participate within a water supply region; and

WHEREAS, the Accomack-Northampton Planning District Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

WHEREAS, the Accomack-Northampton Planning District Commission has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

WHEREAS, the Accomack-Northampton Planning District Commission desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

WHEREAS, the region, through the Accomack-Northampton Planning District Commission wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that the Town of Chincoteague agrees to participate in the development of a regional water supply plan and authorizes the Accomack-Northampton Planning District Commission to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the Accomack-Northampton Planning District Commission is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that Executive Director of the Accomack-Northampton Planning District Commission is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that the Town of Chincoteague intends to provide up to \$500.00 in matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

DATED this \_\_\_\_\_ day of May, 2007.

#### **4. *Safety & Transportation Committee Report of May 3, 2007.***

Mayor Tarr reported on the May 3, 2007 meeting. Councilwoman Conklin motioned, seconded by Councilwoman Conklin, to approve the report as presented. The motion was unanimously approved.

#### **5. *Public Works Committee Report of May 8, 2007***

Mayor Tarr reported on behalf of Chairman Wolffe on the meeting of May 3, 2007. Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the report as presented. The motion was unanimously approved.

#### **6. *Ordinance Committee Report of May 10, 2007.***

Councilman Ross reported on the May 10, 2007 meeting. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the committee report as presented. The motion was unanimously approved.

##### ***a. Adoption of the Revised Chapter 54 Taxation, Article IV & Article V,***

The Committee members unanimously approved to send the revised Chapter 54 Taxation, Articles IV and V to Council for consideration and to set a date for public hearing.

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to set the public hearing for June 4, 2007. The motion was unanimously approved.

##### ***b. Adoption of the Revised Chapter 58 Traffic and Vehicles, Article II, Sec 58-46 (a)***

The Committee members unanimously approved to send the revised Chapter 58 Traffic and Vehicles, Article II, Town Vehicle License, Sec. 58-46(a) to Council for consideration and to set a date for public hearing.

Councilman Ross motioned, seconded by Vice Mayor Speidel to set the public hearing for June 4, 2007. The motion was unanimously approved.

*c. Adoption of the Revised Chapter 46 Solid Waste, Article I, Division 1 & Division 2*

The Committee members unanimously approved to send the revised Chapter 46 Solid Waste, Article 1, Division 1 and Division 2 to Council for consideration and to set a date for public hearing.

Councilman Ross motioned, seconded by Vice Mayor Speidel, to set the public hearing for June 4, 2007. The motion was unanimously approved.

## **7. Recreation & Community Enhancement Committee Report of May 10, 2007**

Vice Mayor Speidel reported on the May 10, 2007 meeting. Councilwoman Richardson motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

## **8. Setting the Date for a Public Hearing for the Fiscal Year 2008 Budget.**

Councilwoman Conklin motioned, seconded by Councilman Howard, to set the public hearing for June 4, 2007. The motion was unanimously approved.

## **9. Deed of Vacation – Ruth Lane.**

Mayor Tarr opened up the public hearing. Mrs. Ruth Lane stated that she would like to vacate the lot lines so that if the property were to be placed in trust to anyone, it would be all one lot. She also stated that this was the initial step toward a conservation easement to the property in question. Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the following ordinance. The motion was unanimously approved.

### **AN ORDINANCE VACATING A PROPERTY LINE OF A SUBDIVISION PLAT PURSUANT TO §15.2-2272.2**

WHEREAS, one Ruth Lane, owns Lot 16D, Lot 17D, and Lot 18D as shown on a certain plat of survey entitled “Revision of a Subdivision for Wyle Maddox,” dated August 6, 1970, made by R. L. Beebe, C. E., revising a “Division of Property of Wyle Maddox,” dated July 3, 1965, by R. L. Beebe (Plat Book 13, page 71) said plat being recorded in the Clerk’s Office for the Circuit Court of Accomack County, Virginia, at Plat Book 16, Page 42, within the Town of Chincoteague, Tax Map number 031A004000016D0, 031A004000017D0, 031A004000018D0, and

WHEREAS, one or more lots within said Subdivision have been sold, and

WHEREAS, the said Ruth Lane has requested that the division or property line between Lot 16D and Lot 17D and the division or property line between Lot 17D and Lot 18D be vacated so as to

result in one (1) lot with a total width of three hundred feet (300 ft.) instead of three (3) lots with a width of one hundred feet (100 ft.) each, and

WHEREAS, the notice requirement of §15.2-2272.2 has been complied with;

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

1. That the division or property line between Lot 16D and Lot 17D and the division or property line between 17D and 18D as shown on the plat of survey entitled "Revision of a Subdivision for Wyle Maddox" dated August 6, 1970, made by R. L. Beebe, C. E., revising a "Division of Property of Wyle Maddox," dated July 3, 1965 by R. L. Beebe (Plat Book 13, page 71), be and is hereby vacated.
2. That as the result of said vacation, former Lots 16D, 17D, and 18D shall result in one (1) lot with a width of three hundred feet (300 ft.).
3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia.

Ayes: Anita Speidel, Vice Mayor                      Nays: \_\_\_\_\_  
      Nancy B. Conklin, Councilwoman  
      Terry Howard, Councilman  
      Ellen W. Richardson, Councilwoman  
      E. David Ross, Councilman

Approved this \_\_\_\_ day of May, 2007

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John H. Tarr, Mayor

**10. Briefing on the Retrofitting of Anchors onto Fuel and Gas Tanks.**

Town Planner Anderson briefed the Council on the research he completed to provide background information for the Safety and Transportation Committee's discussion regarding anchoring fuel tanks. Many fuel tanks on the Island are not anchored to foundations or structures. These can break free during high winds or flooding. Floating or tumbling tanks are potential fire and pollution hazards as well as a collision threat to structures, pedestrians and vehicles. It is a poor use of police and fire company personnel to be obliged to identify and restrain errant fuel tanks during a storm emergency. The cost of cleaning up a sixty gallon petroleum spill is estimated, by one source, at \$10,000. Requiring that fuel tanks be anchored is considered a pre-mitigation strategy. Requiring that fuel tanks be anchored may help to improve the Island's FEMA rating and that might lower the cost of flood insurance. The flood plain management ordinance could be amended to provide for phase-in of the requirement to anchor fuel tanks. It was the consensus of Council to have Town Planner Anderson to continue developing his research and to implement an ordinance requiring all homes to have their fuel tanks and/or gas tanks secured.

**10a. Development of a Ten-Parking-Space Lot Across From the High School.**

The Recreation and Community Enhancement Committee suggested that a temporary parking lot be established on Town property located across the High School on Main Street. The Public

Works Committee recommended that a horseshoe drive with one entrance and one exit onto Main Street be created on the existing grass with ten parking stops installed. The parking stops would be installed at a forty-five degree angle to the driveway and would face Main Street. This proposal is temporary while a permanent design for the Park is developed. Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve ten temporary parking spaces while a permanent design for the Park is developed. The motion was unanimously approved.

#### **11. Mayor and Council Announcements or Comments.**

- Councilwoman Richardson announced that the Planning Commission will meet on May 22 at 7:00 pm.
- Councilman Howard announced that the Harbor Committee will meet on June 13. He also suggested that all committees move their meeting times to 7:00 pm so that citizens can attend the meetings.

#### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on June 4, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager